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Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories

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Note by the Secretary-General**

1. The Secretary-General has the honour to transmit to the General Assembly the thirty-fourth report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories, submitted pursuant to General Assembly resolution 56/59 of 10 December 2001.

2. This report should be considered together with the Special Committee's periodic reports (A/57/421 and Add.1).

* A/57/150.

** This report is being submitted on 16 September 2002 so as to include as much updated information as possible.

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Summary

The Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories is composed of three Member States: Sri Lanka (Chairman), Senegal and Malaysia.

The present annual report to the General Assembly reflects the summary of information gathered during the mission of the Special Committee to Egypt, Jordan and the Syrian Arab Republic. In Egypt and Jordan, the Special Committee met with a total of 27 witnesses and NGO representatives, including representatives of Israeli NGOs.

Section IV of the report, summarizing the human rights situation in the Occupied Territories, focuses on issues of particular concern in the light of the testimonies and material received: the right to life; arrest and detention; use of military force against the civilian population; freedom of movement; freedom of the media; humanitarian assistance; medical assistance; the economic impact, including destruction of infrastructure and property; and human rights defenders.

According to information received, the human rights situation in the Occupied Palestinian Territory has deteriorated enormously since Israel's military incursions. Witnesses appearing before the Committee have provided detailed testimony and information referring to dramatic circumstances under which Palestinian citizens have been living during the period under review. Their reports present a grim picture and show a disturbing deterioration in the humanitarian and economic situation, coupled with severe violations of the human rights of the Palestinian civilian population.

During its visit to Damascus, the Special Committee received information from the Syrian authorities and met with a number of individuals who are originally from the occupied Syrian Arab Golan. The full report from the Ministry of Foreign Affairs of the Syrian Arab Republic on "Israeli practices affecting the human rights of Syrian citizens in the occupied Syrian Arab Golan" is available for consultation. According to the information received, the consequences of the long-term occupation of the Golan have been extensive, affecting all aspects of the life of families, villages and communities.

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I. Introduction

1. The Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories was established by the General Assembly by its resolution 2443 (XXIII) of 19 December 1968.

2. The Special Committee is composed of three Member States: Malaysia (represented by the Permanent Representative of Malaysia to the United Nations, Hasmy Agam), Senegal (represented by the Permanent Representative of Senegal to the United Nations Office at Geneva, Absa Claude Diallo) and Sri Lanka (represented by the Permanent Representative of Sri Lanka to the United Nations, C. Mahendran, serving as Chairperson).

3. The Special Committee reports to the Secretary-General. The reports of the Special Committee are considered in the Special Political and Decolonization Committee (Fourth Committee) of the General Assembly.

II. Mandate

A. General background

4. The General Assembly, in its resolution 2443 (XXIII) of 19 December 1968, entitled "Respect for and implementation of human rights in occupied territories", decided to establish a Special Committee, composed of three Member States, to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories.

5. The General Assembly, in its resolution 44/48 A of 8 December 1989, decided to change the name of the Special Committee to Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories.

6. The mandate of the Special Committee, as set out in resolution 2443 (XXIII) and subsequent resolutions, was to investigate Israeli practices affecting the human rights of the population of the occupied territories.

7. The Special Committee has proceeded on the basis that:

(a) For the purposes of the present report, the territories considered occupied territories are those remaining under Israeli occupation, namely, the occupied Syrian Arab Golan, the West Bank, including East Jerusalem, and the Gaza Strip;

(b) The persons covered by resolution 2443 (XXIII) and therefore the subject of the investigation of the Special Committee, were the civilian population residing in the areas occupied as a result of the hostilities of June 1967 and those persons normally resident in the areas that were under occupation but who had left those areas because of the hostilities;

(c) The "human rights" of the population of the occupied territories consist of two elements, namely, those rights which the Security Council referred to as "essential and inalienable human rights" in its resolution 237 (1967) of 14 June 1967 and, secondly, those rights which found their basis in the protection afforded

by international law in particular circumstances such as military occupation and, in the case of prisoners of war, capture. In accordance with General Assembly resolution 3005 (XXVII) of 15 December 1972, the Special Committee was required to investigate allegations concerning the exploitation and the looting of the resources of the occupied territories, the pillaging of the archaeological and cultural heritage of the occupied territories and interference in the freedom of worship in the Holy Places of the occupied territories;

(d) The "policies" and "practices" affecting human rights that come within the scope of investigation by the Special Committee refer, in the case of "policies", to any course of action consciously adopted and pursued by the Government of Israel as part of its declared or undeclared intent; while "practices" refers to those actions which, irrespective of whether or not they were in implementation of a policy, reflect a pattern of behaviour on the part of the Israeli authorities towards the civilian population in the occupied areas;

(e) The geographical names and the terminology employed in the present report reflect the usage in the original source and do not imply the expression of any opinion whatsoever on the part of the Special Committee or the Secretariat of the United Nations.

8. The Special Committee has, in determining human rights standards and obligations, relied principally on the following:

(a) The Charter of the United Nations;

(b) The Universal Declaration of Human Rights, of 10 December 1948;[1]

(c) The International Covenant on Civil and Political Rights, of 16 December 1966;[2]

(d) The International Covenant on Economic, Social and Cultural Rights, of 16 December 1966;[2]

(e) The (Fourth) Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949;[3]

(f) The Geneva Convention relative to the Treatment of Prisoners of War, of 12 August 1949;[4]

(g) The Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, of 14 May 1954;[5]

(h) The Hague Conventions of 1899 and 1907 respecting the Laws and Customs of War on Land.[6]

9. The Special Committee has also relied on those resolutions relevant to the situation of civilians in the occupied territories adopted by United Nations organs — the General Assembly, the Security Council, the Economic and Social Council and the Commission on Human Rights.

B. General Assembly resolution 56/59 of 10 December 2001

10. The General Assembly, in its resolution 56/59 of 10 December 2001:

"5. *Requests* the Special Committee, pending complete termination of the Israeli occupation, to continue to investigate Israeli policies and practices in the Occupied Palestinian Territory, including Jerusalem, and other Arab territories occupied by Israel since 1967, especially Israeli lack of compliance with the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and to consult, as appropriate, with the International Committee of the Red Cross according to its regulations in order to ensure that the welfare and human rights of the peoples of the occupied territories are safeguarded and to report to the Secretary-General as soon as possible and whenever the need arises thereafter;

"6. *Also requests* the Special Committee to submit regularly to the Secretary-General periodic reports on the current situation in the Occupied Palestinian Territory, including Jerusalem;

"7. *Further requests* the Special Committee to continue to investigate the treatment of prisoners in the Occupied Palestinian Territory, including Jerusalem, and other Arab territories occupied by Israel since 1967".

C. Reports of the Special Committee

11. Pursuant to General Assembly resolution 56/59, in 2002 the Special Committee submitted a periodic report, relating to the period from July to August 2002 (A/57/421).

12. The present report for the year 2002 is also submitted pursuant to General Assembly resolution 56/59.

III. Organization of work

A. Meetings

13. The Special Committee met in Geneva on 20 and 21 June 2002 to consider its programme and organization of work for 2002. The Special Committee met with and was addressed by a representative of the International Labour Organization knowledgeable as to conditions in the occupied territories. The Permanent Representative of the Syrian Arab Republic to the United Nations Office at Geneva and the Permanent Observer of the Palestinian Authority to the United Nations Office at Geneva also met with and addressed the Special Committee.

14. The Special Committee has not, since its establishment in 1968, had access to the occupied territories. As in previous years, in a letter addressed to the Permanent Representative of Israel to the United Nations Office at Geneva, copied to the Secretary-General, the Special Committee requested that it be given access to the occupied territories. There was no response to the letter.

15. As in previous years, in order that the Special Committee might meet with and hear statements from persons with personal knowledge of the occupied territories, the Special Committee convened in Cairo from 24 to 28 June, in Amman from 29 June to 2 July, and in Damascus from 4 to 6 July. The Special Committee wishes to

express its deep appreciation for the cooperation it received from the Governments of Egypt, Jordan and the Syrian Arab Republic.

16. In Cairo (24-28 June), the Special Committee met with the Minister for Foreign Affairs of Egypt and the Deputy Secretary-General of the League of Arab States. The Committee also received statements under oath of persons with personal knowledge of East Jerusalem, the West Bank and Gaza.

17. In Amman (29 June-2 July), the Special Committee met with the Director of the Department of International Organizations of the Ministry of Foreign Affairs of Jordan and also received the testimony of persons from Jerusalem, the West Bank and Gaza.

18. In Damascus (4-6 July), the Special Committee met with the Assistant Minister for Foreign Affairs and received a report from the Director for International Organizations of the Ministry of Foreign Affairs, who also addressed the Special Committee. The Special Committee visited Quneitra Province, bordering the occupied Syrian Arab Golan, and met with the Governor of Quneitra and also heard statements under oath in Quneitra of persons with personal knowledge of the occupied Syrian Arab Golan.

19. A total of 27 witnesses, and NGO representatives, including a number of Israeli Arab and Jewish witnesses, out of an aggregate of 34 scheduled witnesses whose attendance had previously been confirmed, were heard by the Special Committee. (The annex to the present report contains a list of NGOs that testified before the Special Committee.) While the Special Committee was in the region, from 24 June to 6 July, there were a number of incidents of great violence in the occupied territories. It is the understanding of the Special Committee that difficulties created by the high tensions within the occupied territories and severe restrictions on movement within and out of the occupied territories prevented the attendance of other witnesses, as had been previously arranged.

20. The materials and testimony considered by the Special Committee included the following:

- Testimony and documentary materials provided by persons knowledgeable as to the occupied territories
- Testimony provided under oath and recorded by United Nations verbatim reporters. These materials are available for consultation
- Various documentary materials
- Written materials received from the Government of the Syrian Arab Republic
- Articles appearing in *The Jerusalem Post*, *Ha'aretz* and *The Jerusalem Times* in 2000 and 2001
- Report dated 24 April 2002 of the United Nations High Commissioner for Human Rights submitted to the Commission on Human Rights at its fifty-eighth session pursuant to its decision 2002/103 (E/CN.4/2002/184)
- Report dated 6 March 2002 of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the Palestinian territories occupied by Israel since 1967 (E/CN.4/2002/32)

B. Exchanges with other United Nations bodies

21. The Special Committee considers it necessary to note, as it also did in its report last year and the year before, that when a United Nations body, such as the Special Committee, undertakes a mission to the field, it is mutually beneficial and necessary that there should be exchanges of views with United Nations bodies with knowledge of relevant matters, the work of the Special Committee being part of the totality of a United Nations endeavour.

22. The Special Committee wishes to record with appreciation the helpful cooperation extended, as in the past, to the Special Committee by the Office of the United Nations Resident Coordinator for the Syrian Arab Republic.

23. The Special Committee also wishes to record its appreciation of the readiness expressed by the Department of Public Information of the United Nations Secretariat to be of assistance to the Special Committee whenever requested.

C. Other matters

24. The Special Committee recognizes that because of lack of access to the occupied territories its report to the General Assembly is limited by its inability to observe directly the conditions of the lives of the Palestinians and other Arabs of the occupied territories and to receive the views of representatives of the occupying authority.

25. Nonetheless, notwithstanding such limitations, the Special Committee has sought to convey to the General Assembly in its report what the Special Committee understands to be the conditions affecting human rights in the occupied territories.

26. The information provided to the Special Committee from documentary material and oral testimony was considerable. Where oral testimony was provided, a record of the oral testimony was maintained by United Nations verbatim reporters and is available for consultation.

IV. Human rights situation in the occupied territories

27. This section is based on the information made available to the members of the Special Committee and on other material published by non-governmental organizations as well as United Nations organizations. It focuses on issues of particular concern in the light of this material: the right to life; arrest and detention; use of military force against the civilian population; freedom of movement; freedom of the press and the media; humanitarian assistance; medical assistance; the economic impact, including destruction of infrastructure and property; and human rights defenders. The report covers the period immediately before and following the military operation undertaken by the Israel Defense Forces (IDF) in the Occupied Palestinian Territory in the end of March 2002.

28. The human rights situation in the Occupied Palestinian Territory has deteriorated enormously since Israel's most recent military incursions. Witnesses appearing before the Committee have provided detailed testimonies and information referring to dramatic circumstances under which Palestinian citizens have been

living during the period under review. Witnesses mentioned that in some instances, information was difficult to obtain as the IDF restricted and denied access to any monitoring presence in areas where they were operating. Nonetheless, their reports present a grim picture and show a disturbing deterioration in the humanitarian and economic situation coupled with severe violations of the human rights of the Palestinian civilian population.

1. The right to life

29. According to Palestinian sources, IDF incursions into Palestinian towns and villages resulted in over 1,300 Palestinians deaths and over 20,000 injured in the period from the end of September 2001 to June 2002.

30. Since 29 March 2002, IDF has reoccupied the town of Ramallah and other cities, including Qalqilya, Tulkarem, Bethlehem, Jenin and Nablus. Tanks and snipers have been used in clashes between IDF and Palestinian armed groups. Palestinian civilians have been unlawfully killed and there have been reports of extrajudicial executions. Reports indicate that Israeli forces have used overwhelming and indiscriminate military force against Palestinian communities, such as intense bombardment as well as mass demolition of houses, most notably in Nablus and the Jenin refugee camp. A number of Palestinian civilians have also died after Israeli forces prevented emergency medical teams from reaching them.

31. On 12 April 2002, the Special Rapporteur on extrajudicial, summary or arbitrary executions distributed a press release in which she stressed the "urgent need to investigate the allegations [of extrajudicial and summary executions by Israeli forces in connection with recent operations in the Jenin refugee camp] promptly".[7] She drew the attention of the Israeli Government to the fact that the Palestinian Red Crescent Society, the United Nations Relief and Works Agency for Palestine Refugees in the Near East and the media were being denied access to the area and emphasized that "if the Government of Israel continues to deny access, it will only lend further credibility to the allegations made by independent sources".

2. Economic impact, including destruction of infrastructure and property

32. According to witnesses appearing before the Committee, a considerable number of official, public, private or non-governmental organizations have been damaged, in some cases severely. Witnesses mentioned that, after 29 March 2002, Israeli military raided many installations such as medical facilities, schools, religious buildings as well as official buildings of the Palestinian Authority. Most of the buildings and their contents, including office equipment, computers and documents, have been destroyed and/or stolen.

33. Israeli forces have also reportedly entered hundreds of private homes searching for wanted persons and arms, damaging or destroying the houses and household property. In areas such as Tulkarem, Jenin, Nablus and in the adjoining refugee camps, Israeli forces have used heavy weaponry and damaged large numbers of homes.

34. Witnesses estimate that the destruction of Palestinian homes alone has left several thousand people homeless. Local sources in Jenin estimate that approximately one third of the homes in the Jenin refugee camp have been destroyed since 3 April by Israeli bulldozers in a process referred to as "shaving". There are

reports as well of homes being bulldozed on top of the people inside them in the Jenin refugee camp and in the Yasmina quarter in Nablus. Tank shells, missiles and indiscriminate heavy machine-gun fire from Apache helicopters have also heavily damaged refugee shelters and homes. One witness said that an investigation undertaken after the events of April 2002 suggests that the property destruction and house demolition in the Jenin refugee camp, inhabited by 13,000 refugees, have left 4,000 individuals homeless.

35. During the first three months of 2002, for example, Israeli military forces demolished more than 200 refugee shelters and damaged more than 2,000 others in the Gaza Strip and the West Bank. The total damage to refugee shelters during the first three months of 2002, not including the large number of shelters destroyed in April, is equal to more than half of the entire damage resulting from Israeli military assaults since the beginning of the Palestinian uprising.

3. Arrest and detention

36. Many witnesses reported that the number of Palestinians arrested since 29 September 2001 remain indeterminate. It was reported that Israeli authorities do not publish information on the number of prisoners and detainees, and families and lawyers face great difficulties in locating a detainee after his/her arrest.

37. One witness informed the Special Committee that during the two major incursions of the Israel Defense Forces into the occupied Palestinian territories, in February and late March respectively, the number of Palestinians arrested amounted to 10,000. Some have been released, but about 4,000 persons remain in detention, including 38 women prisoners, of whom 28 are being held in Neve Tirza, one under administrative detention. A total of 280 children have also been detained, 70 of them in Tel Mond Prison and the others in the Ofer and Megiddo military detention centres. There are also 959 administrative detainees in the Megiddo and Ofer military detention centres.

38. Many witnesses drew attention to current arrest and detention rules applied by IDF in the Occupied Palestinian Territory. Pursuant to an order issued by the OC Central Commander on 5 April 2002, "Order 1500", anyone detained on or after 29 March 2002 can be held for 18 days before being brought before a judge. After eight days, detainees are allowed to plead their case. Another provision denies detainees access to a lawyer during the 18 days of detention. A number of NGOs in Israel filed an urgent petition to the High Court of Justice on the same day. The organizations demanded that detainees be allowed to meet with lawyers and that the court prohibit the use of physical force against the detainees during interrogation. In the court hearing held on 7 April 2002, the State claimed that the order was justified in view of the combat nature of the situation and the large number of detainees. It also stated that it was unaware of any cases of torture during interrogation and that it could not investigate general allegations such as those presented in the petition. The Court decided to reject the petition and accept the arguments of the State. Israeli law acknowledges the right of a detainee to see a lawyer as a basic right. It is enshrined in the "Basic Law: Human Dignity and Liberty" as well as in military legislation. Denial of this right is permitted only in extreme cases, when it is absolutely necessary for the purposes of the investigation or for security reasons. The view of the human rights defenders is that there has been a contravention of the law which is particularly alarming in the light of the State admission that, during the current wave

of detentions, Palestinians were detained according to broad criteria of age and gender, and many simply because they were present in the area where detentions were being carried out and not because they were under suspicion. Under these circumstances, it is impossible, according to the NGOs working on this matter, to accept claims that denying detainees the basic right to meet with lawyers complies with the exceptions outlined in the law. It is also clear that the ban on such meetings is not made on an individual basis, and that the State has turned the narrow exceptions that the law reserves for extreme cases into a norm.

39. In order for the Israel Defense Forces to absorb the large number of detainees, witnesses informed the Special Committee that detention centres have been reopened, such as the Ketziot and Ofer military detention centres. According to the same source, central prisons in Israel have also been expanded by opening new sections, such as the Nisan section in the Ramleh prison and new sections in the Nafha and Beersheva prisons.

4. Conditions of detention

40. Based on the testimony of former detainees, most of the witnesses appearing before the Special Committee provided information about the difficult conditions in the detention centres. Confessions are said to be obtained from detainees under harsh interrogations during solitary confinement. These confessions are then used as the primary evidence during the trial of these detainees. Detainees reported about the difficult conditions of their detention, such as overcrowded cells and tents, denial of food for many hours and the fact that some of them were forced to sleep outdoors. Hygiene and sanitation conditions in the reopened Ketziot military detention centre in the Negev desert in southern Israel reportedly fail to meet minimum international standards for conditions of detention.

5. Use of military force against the civilian population — use of human shields

41. Many witnesses reported that Israeli military forces had taken Palestinian civilians hostage and used them as human shields.

42. On 12 April 2002, according to Director-General Paul Grossrieder of the International Committee of the Red Cross, at least eight Red Crescent personnel were used as human shields by the Israeli military. Mr. Grossrieder described as absolutely unacceptable the fact that "useless humiliations take place and are taking place" against Red Cross and Red Crescent staff and delegates in the field.

43. Many witnesses reported about the IDF practice of coercing civilians to assist military personnel and operations when raiding Palestinian villages, towns and refugee camps to arrest "wanted" Palestinians. The targets of these raids were persons alleged by the Israeli authorities to have planned or participated in attacks against Israeli military targets or against Israeli civilians. The raids began shortly after the assassination of then Israeli Tourism Minister Rehavam Ze'evi on 18 October 2001.

44. While the location and scale of the raids have varied, the dynamics have been the same. Witnesses described to the members of the Special Committee how "wanted" Palestinians were taken at gunpoint to knock on doors, open strange packages and search houses in which IDF suspected armed Palestinians were

present. Families found their houses taken over and used as military positions by IDF during an operation while they themselves were ordered to remain inside.

45. One witness appearing before the Special Committee reported that he had interviewed two people who had been used as human shields in the Jenin refugee camp, one of whom was 15 years old. The child had been placed in a window in front of Israeli soldiers for an hour and a half with the rifle of an IDF soldier on his shoulder.

46. On 18 April 2002, Adalah (the Legal Centre for Arab Minority Rights in Israel) sent a pre-petition to the Attorney General's office demanding that it compel IDF to stop using Palestinian civilians as human shields in military operations. Although the army had previously denied using Palestinians as human shields, an article published by *Ha'aretz* on 18 April revealed that this practice had been and was currently in use.

6. Freedom of the press and the media

47. Since the beginning of the current intifada, journalists have faced various difficulties and restrictions in the course of their duties. A witness appearing before the Special Committee indicated that many journalists, especially those residing in the West Bank and the Gaza Strip, have regularly faced acts of humiliation and numerous threats and assaults from the Israel Defense Forces and settlers.

48. Reporters sans Frontières has documented a number of cases in which it identified cases of journalists shot and killed by IDF and others physically injured in the legs and hands. The witness recalled other cases where settlers assaulted journalists in sight of the Israeli security forces and the soldiers have failed to intervene to protect them. The following cases have been brought to the attention of the Special Committee:

49. A photographer working for Gamma News Service was shot in the leg while he was covering clashes near Ramallah. IDF troops opened fire on him at close range from a distance of 100 metres. The bullet entered his knee, causing nerve damage in his leg, and he took two months to recover. A Palestinian working with Reuters was attacked by two Jewish settlers while he was covering clashes in the West Bank. When he tried to defend himself, the IDF soldier attacked him with a rifle butt and threatened to shoot him. A cameraman working for a foreign news agency was attacked by settlers in Hebron while he was filming events there. A settler stabbed him in the leg with a bottle and struck him in the head with a stone. The journalist's lip was injured and he lost three teeth. A group of settlers tried to attack his equipment as well. The IDF escorted him out of the area. Israeli soldiers attacked an ABC News reporter while he was covering a Palestinian demonstration in the West Bank. The soldiers also confiscated his press card and camera. They took him to a military area and detained him there for two hours before releasing him. A female correspondent working for Abu Dhabi TV was shot by IDF while she and two other colleagues were in Rafah interviewing people whose homes had been destroyed by IDF troops. Two shots were fired in the journalists' direction from an IDF military position. When the crew tried to flee, another bullet was fired. At the time the IDF opened fire there were no clashes taking place and the journalists were clearly identifiable from their cameras and equipment. One bullet hit the journalist, injuring her.

50. The witness referred to a deliberate policy of preventing journalists from documenting the events occurring in the West Bank in March-April 2002. In some cases IDF confiscated journalists' equipment and press credentials and refused to renew the press cards of many journalists, thus preventing them from gaining access to areas to cover events as well as to attend official government events and press conferences.

51. A number of Palestinian TV and radio stations such as those located in Hebron, Qalqilya, Jenin and Ramallah have been completely destroyed without prior notice, making it impossible for equipment to be removed beforehand.

7. Human rights defenders

52. Witnesses indicated that, since 29 March 2002, Israeli authorities have hindered local and foreign human rights defenders from pursuing their daily activities of monitoring and documenting human rights violations in the West Bank. Many representatives of NGOs have been unable to reach Palestinian locations because they have been declared "closed military areas".

53. In addition, IDF reportedly raided some offices of human rights organizations as well as the main office of the official national human rights institution, the Palestinian Independent Commission for Citizens' Rights, in Ramallah.

54. Hina Jilani, the Special Representative of the Secretary-General on Human Rights Defenders, received several complaints of violations of the rights of human rights defenders in Israel and the occupied territories. She had already raised several cases in her last report to the Commission on Human Rights,[8] mainly on the arrest by Israeli forces of human rights defenders following their attempt to attend international seminars or meetings on human rights, which generally took place abroad. The Special Representative received allegations of the Israeli authorities' efforts to prevent a certain number of Palestinian human rights activists based in the Gaza Strip from participating in international conferences and forums. Most had been banned from leaving Gaza. In all of the above-mentioned cases, the Special Representative has taken appropriate action within the framework of her mandate.

8. Restriction of freedom of movement and curfews

55. The increasing restrictions on population movements culminated in March-April 2002 with the imposition of curfews directly affecting some 600,000 people, or nearly 30 per cent of the population of the West Bank, excluding East Jerusalem. The curfew regime has been enforced by the deployment of armoured vehicles in city and town centres and at key positions throughout the affected areas.

56. Many households in the besieged areas, after experiencing the Israeli reoccupation of several of the main West Bank cities and refugee camps from 12 to 14 March 2002, began to stock food and other provisions when the likelihood of further reoccupations emerged in the days prior to 29 March. However, continuing restrictions on movement and panic-buying reduced available stocks of goods in many urban shops, and commercial stocks of food are reportedly exhausted throughout the West Bank, suggesting that the lifting of curfews alone cannot improve civilians' access to vital supplies in any significant way.

9. Right to health and access to medical assistance

57. Several witnesses expressed concern about the flagrant lack of respect for the providers of medical services, referring to attacks against medical staff and installations. Delays lasting several hours at checkpoints, denial of safe passage and quick access to victims, and harassment of ambulance staff have seriously hampered the delivery of urgently needed medical and humanitarian assistance.

58. The adverse impact of closures and prolonged curfews on Palestinian villages and towns have severely restricted the access of civilians, especially women, to life-saving services such as emergency obstetric care.

59. Witnesses referred to the fact that the current crisis has adversely affected not only Palestinians' general physical health and health-care facilities, but also their psychosocial well-being. Trauma and stress have already become a serious health problem, especially for women and young people.

10. The particular situation of the disabled in Palestine

60. One witness provided the Special Committee with information regarding the particular situation of the disabled in the occupied Palestinian territories. His testimony is reflected below.

61. There are 100,000 disabled persons throughout Palestine. Their disabilities are either congenital or the result of accidents. During the first intifada (1987-94), about 15,000 people became disabled as a result of the actions of the Israeli army and the settlers in the West Bank and the Gaza Strip. During the current intifada, roughly 5,300 additional individuals have become permanently disabled through various acts of aggression committed against them.

62. The origin of these disabilities lies in incidents at the checkpoints as well as the shelling and the shooting of youth and adults. One of the examples cited by the witness was that of a 13-year-old boy, Wajdi Awajerboa, from the Gaza Strip who was shot in the head and as a result lost the sight of both eyes.

63. Disabled persons have also been subjected to various acts of aggression. In the Jenin refugee camp, for example, three blind youth were left handcuffed in the street for two and a half days. Other individuals with disabilities were also exposed to shooting.

64. Schools and facilities for the disabled in Palestine have also been targeted by the Israeli army. The national school for blind girls in Ramallah was shelled several times in February 2001. As a result some of the children still experience serious fearful reactions at night and cannot sleep. In another instance, the bus of a Palestinian school for the deaf, belonging to the Palestinian Red Crescent in Ramallah, was also subjected to light shelling.

65. The rehabilitation sector has also been seriously affected. Among the most affected are epileptic individuals and the deaf. As a result of the sanctions and blockades, many cannot obtain medicines and are now in critical situation. Service providers from community-based rehabilitation programmes that go to the villages and perform activities for individuals with disabilities cannot carry out their work on a regular basis. Also, the rate of student absences from the special schools is very high. In other places, such as the Jenin camp, the offices and facilities of the local rehabilitation committee have been totally destroyed.

11. Impact on the economic situation in the Occupied Palestinian Territories

66. This section addresses the economic and social implications of the Israeli military incursions into the main population centres in the West Bank that began in the early hours of 29 March 2002.

67. The growth of poverty is especially severe for the thousands of households dependent, in whole or in part, on wage income earned in Israel.[9] During the fourth quarter of 2001, it was estimated that as many as 68,000 Palestinians were employed in Israel and Israeli settlements and industrial zones. Of these, some 45,000 were from the West Bank. These workers earned about US$ 1.1 million per day.[10] Under conditions of siege in the population centres, and with heavy concentrations of Israeli forces along the Green Line, Palestinian households are presumably losing nearly all of this income.

68. Estimates suggest that, excluding Jerusalem, the West Bank accounted for about 55 per cent of total Palestinian gross domestic product (GDP) in 2001 (about $2.2 billion, or some $7 million a day). Assuming that 75 per cent of this is produced in the reoccupied areas, where production has virtually ceased, the direct effect of the imposed curfews is the loss to Palestinian businesses of an estimated $5.2 million in daily output/income.[11] The inability of businesses and farmers/agricultural producers outside the immediately affected areas to engage commercially with businesses inside these areas is imposing additional losses. The immediate effect of the siege is a major supply-side shock which ultimately translates into reduced household income for the owners and employees of affected businesses. This further dampens total demand for the products and services of the private sector, reinforcing the downward spiral in output.

69. Preliminary reports suggest that commercial buildings, office equipment and other business and private bank assets, including databases on computer drives, have been damaged, destroyed or looted by Israeli forces.[12] Businesses will face the added costs of repairing or rebuilding damaged or destroyed assets and, given the depressed economic environment, it is anticipated that many will be unable to restore capacity without assistance.

V. Situation of human rights in the occupied Syrian Arab Golan

70. During its visit to Damascus, the Special Committee received from the Director of the International Organizations Department of the Ministry of Foreign Affairs of the Syrian Arab Republic the text of the report entitled "Report of the Ministry of Foreign Affairs of the Syrian Arab Republic on Israeli practices affecting the human rights of Syrian citizens in the occupied Syrian Arab Golan". The full text of the report is available for consultation.

1. Background

71. As has been observed in previous reports of the Special Committee, the Golan has been occupied since 1967. On 14 December 1981, Israel decided to impose its laws, jurisdiction and administration on the occupied Golan; this was in effect an annexation of the territory.

72. On 17 December 1981, in its resolution 497 (1981), the Security Council considered the annexation null and void.

73. In its resolution 53/57 of 3 December 1998, the General Assembly decided that all legislative and administrative measures and actions taken or to be taken by Israel, the occupying Power, that purported to alter the character and legal status of the occupied Syrian Golan were null and void, constituted a flagrant violation of international law and of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and had no legal effect. The annexation also has not been accepted or recognized by the Arab population of the Golan.

74. Thus the annexation has never been recognized by the United Nations.

2. Consequences of the occupation

75. As the occupation of the Golan has extended over a long period of time, the consequences of the occupation, in terms of its effects on the occupied Golan and its population, have been extensive, affecting all aspects of life and families, villages and communities.

76. Syrian government officials with whom the Committee met emphasized that the occupation itself was one of the most serious forms of human rights violations and that for the violations to end the occupation itself had to be terminated. They stated that the situation of human rights had not improved in the course of the reporting period.

77. The Special Committee was informed that, not only did the occupation involve daily suffering of the population living under occupation, but their identity and culture were also at stake.

78. The Special Committee was furthermore informed that there had been no change in Israeli policy regarding the occupied Golan, that the number of settlers had increased and that existing settlements had been expanded during the period under review. Relations between the settlers and the Arab population of the occupied Golan were tense in particular where there were settlements located close to Syrian villages.

79. There were numerous instances in which the attention of the Special Committee was drawn to the widespread nature of the consequences of the occupation: the intention of the Israeli authorities to increase significantly the number of settlers, persistent Judaization of life in the occupied Golan and falsification of history at the expense of the Arab population.

80. There were also widespread economic consequences of the occupation. The economic constraints exercised by the Israelis over the occupied Golan were also shown, the Committee was informed, in the lack of equal employment opportunities, heavy taxes, fixed low prices imposed on apples, on the main agricultural produce, arbitrary arrest and detention, and inadequate health care. Deterioration of the environment caused by the Israeli authorities has resulted from the uprooting of trees, burning of forests, and the release of chemical residue from Israeli factories and waste from settlements.

81. The economic situation of Syrians in the occupied Golan is compounded by the lack of job opportunities. Many qualified Arabs from the occupied Golan are employed in menial jobs and are sometimes dismissed arbitrarily by their Israeli

employers. Many workers are never paid or are not paid in full. Settlers compete with Syrians in economic terms in the area of agriculture, the principal activity of the Arab population of the occupied Golan. The competition is rendered more uneven by the restricted access of the Syrian inhabitants to water compared with the settlers.

82. One of the principal negative impacts of the occupation of the occupied Syrian Golan has been the separation of families who live on either side of the valley constituting the demarcation line. Syrian students returning to their families in the occupied Syrian Golan reportedly face, upon arrival, severe hours of questioning, and the presents they bring with them are confiscated. Others are held in arbitrary detention for many days, facing torture and humiliation.

VI. Conclusions and recommendations

A. Conclusions

83. Confrontations between the occupying authority and the Palestinians, the escalating violence, the death and injury caused to both Palestinians and Israelis, the greatly disproportionate force used by the occupying authority, resulting in far greater losses to the Palestinians, have had the most devastating consequences in Gaza, the West Bank and East Jerusalem.

84. The considerable and extensive controls themselves and the very severe manner in which such controls have been enforced by the Israeli authorities are, in the view of the Special Committee, totally inconsistent with human rights standards and obligations. Such controls and methods of enforcement are also, in the view of the Special Committee, in breach of a number of provisions of the Fourth Geneva Convention Relative to the Protection of Civilian Persons in Time of War.

85. Throughout the years of occupation, Israeli authorities have put in place a comprehensive and elaborate system of laws and regulations and administrative measures that affect all aspects of the lives of the Palestinian and Syrian peoples in the occupied territories. The laws and regulations are so framed that they vest in officials a considerable degree of authority and latitude over the lives of the people of the occupied territories. Moreover, during periods of violence, such exercise of control makes the lives of the Palestinian and Syrian peoples in the occupied territories even more unbearable.

86. Bitterness at their treatment by the Israeli authorities and the sense of dispossession, hopelessness and despair of the people of the occupied territories caused to a large extent, it seems to the Special Committee, by lack of progress in the peace process and a lack of tangible benefits for the people of the occupied territories, make the situation in those territories one of the greatest urgency.

87. Most regrettably, the only conclusion that now seems possible, from statements made and materials provided to the Special Committee, is that the human rights of the Palestinians in the occupied territories are being harshly ignored.

88. There was among the witnesses appearing before the Special Committee a sense of hopelessness, frustration and anger directed not only against the Occupying Power, but also the international community, including the Special Committee itself, in connection with its inability to provide relief to the hardship experienced by the people of the occupied territories.

89. A number of persons appearing before the Special Committee spoke of the continuing violations of their human rights, for which no relief appeared to be provided. While peace process discussions were very desirable, it was imperative that human rights in the occupied territories be given immediate attention, and there was a feeling that this was not being done and that was the cause of great frustration.

90. Finally, while the Special Committee reiterates its regrets for the lack of cooperation from the Israeli authorities which resulted, inter alia, in its inability to visit the occupied territories, it was very pleased to receive before it a number of Israeli nationals, working in the field of human rights, who appeared before the Special Committee to speak about their own work with Palestinians.

B. Recommendations

91. The Special Committee believes that the observations made in its previous report to the General Assembly continue to be valid. The Special Committee also recommends the following:

(a) The Israeli military operation must be brought to an end;

(b) Full application of the Fourth Geneva Convention is vital to guarantee respect for the fundamental human rights of civilian populations in time of war and occupation. Article 1 of the Convention places a duty on all the High Contracting Parties "to respect and to ensure respect" for its provisions "in all circumstances";

(c) All parties to the conflict must respect the full compliance with international human rights standards as laid down in the Universal Declaration of Human Rights and the two International Covenants;

(d) There needs to be accountability on all sides for what has happened, as well as steps taken to ensure that, in future, proper rules and safeguards are in place to prevent violations of the human rights of both peoples, Palestinians and Israelis. In this context, there is an urgent need for a comprehensive investigation into alleged breaches of international human rights and humanitarian law, an investigation that would be independent of the parties but conducted with their full cooperation.

92. The Special Committee also believes that it is important for its members to have access to the occupied territories in order to witness for itself the actual situation obtaining there with respect to the issue of human rights as well as to ascertain the views of the Government of Israel pertaining to the subject.

Notes

[1] General Assembly resolution 217 A (III).

[2] See General Assembly resolution 2200 A (XXI), annex.

[3] United Nations, *Treaty Series*, vol. 75, No. 973.

[4] Ibid., No. 972.

[5] Ibid., vol. 249, No. 3511.

[6] Carnegie Endowment for International Peace, *The Hague Conventions and Declarations of 1899 and 1907*, New York, Oxford University Press, 1915.

[7] E/CN.4/2002/184, para. 12.

[8] E/CN.4/2002/106, paras. 217-224.

[9] The World Bank has noted the strong correlation between employment in Israel and Palestinian poverty rates. See World Bank, *Poverty in the West Bank and Gaza* (Washington, January 2001), chap. 2.

[10] Employment and wage income data are estimates provided by the United Nations Office of the Special Coordinator in the Occupied Territories (UNSCO), based on the Palestinian Central Bureau of Statistics (PCBS) labour force survey for the fourth quarter of 2001.

[11] UNSCO estimates based on national income account data for 2000 provided by PCBS, January 2001. The GDP estimate for 2001 was determined using the World Bank estimate of a 12 per cent real decline in Palestinian GDP compared with 2000. The daily GDP estimate is based on a 312-day Palestinian work year (excluding weekends and holidays). Estimates are quoted in 2000 prices.

[12] See World Bank, *Fifteen Months*, March 2002, chap. 3.

Annex

Non-governmental organizations that testified before the Special Committee during its field mission in 2002

Adalah: The Legal Centre for Arab Minority Rights in Israel, Jerusalem

Addameer Prisoners' Support Association, Jerusalem

Al Haq — "Law in the Service of Man"

Al-Dameer Association for Human Rights, Gaza

Al-Mezan Centre for Human Rights, Gaza

Citizens' Rights Centre, Gaza

Defence Children International, Jerusalem

Gaza Centre for Rights and Law

Gaza Community Mental Health Programme

General Union of Disabled Palestinians, Ramallah

Hamoked: Centre for the Defence of the Individual, Jerusalem

Israeli Committee against House Demolition

Jerusalem Centre for Human Rights

Jerusalem Centre for Social and Economic Rights, Jerusalem

LAW Society, Jerusalem

Mandela Institute, Ramallah

Palestinian Agricultural Relief Committee (PARC), Jerusalem

Palestinian Centre for Human Rights, Gaza

Palestinian Human Rights Monitoring Group (PHRMG), Jerusalem

Palestinian Independent Commission for Citizens' Rights, Gaza